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The Governor's Office of Emergency Services (Cal OES), Fire and Rescue Division, Hazardous Materials (HazMat) Section, tracks state and federal legislation impacting California's HazMat accident prevention and emergency response programs and emergency management capabilities. This report is a summary of legislation we are watching and does not reflect in-depth analysis or bill positions.

CALIFORNIA BILLS

AB-22**AUTHOR:** Rodriguez**TOPIC:** Office of Emergency Services: oil-by-rail spills: firefighters.**LAST AMENDED:** 5/14/15

SUMMARY: Existing law establishes the Office of Emergency Services within the office of the Governor and under the supervision of the Director of Emergency Services and makes the office responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. Existing law requires the office to serve as the central point of state government for the emergency reporting of spills, unauthorized releases, or other accidental releases of hazardous materials and to coordinate the notification of the appropriate state and local administering agencies that may be required to respond to those spills, unauthorized releases, or other accidental releases. Existing law also establishes the Curriculum Development Advisory Committee to provide advice on the development of specified course curricula and response training.

This bill would require, upon a specified appropriation by the Legislature, the Curriculum Development Advisory Committee to review the curriculum and courses of instruction offered by public and private programs that train firefighters in response methods for oil-by-rail spills, require the Office of Emergency Services to compile a list of those curriculum and courses of instruction and make that list available to all fire departments, and establish a program to reimburse fire departments for costs incurred by those departments in sending firefighters to trainings, as provided.

BILL HISTORY:

2015

Aug 17 In committee: Referred to APPR. suspense file.

July 14 From committee: Do pass and re-refer to Com. on APPR.

June 11 Referred to Com. on G.O.

June 1 In Senate. Read first time. To Com. on RLS. for assignment.

June 1 Read third time. Passed. Ordered to the Senate.

May 28 Read second time. Ordered to third reading.

May 28 From committee: Do pass.
May 20 In committee: Set, first hearing. Referred to APPR. suspense file.
May 18 Re-referred to Com. on APPR.
May 14 From committee chair, with author's amendments: Amend, and re-refer to Com. on APPR. Read second time and amended.
April 9 From committee: Do pass and re-refer to Com. on APPR. Re-referred to Com. on APPR.
Feb 17 Referred to Com. on G.O.

2014
Dec 2 From printer. May be heard in committee January 1.
Dec 1 Read first time. To print.

AB-45

AUTHOR: Mullin

TOPIC: Household hazardous waste.

LAST AMENDED: 4/30/15

SUMMARY: The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires, among other things, each city and each county to prepare a household hazardous waste element containing specified components, and to submit that element to the department for approval. Existing law requires the department to approve the element if the local agency demonstrates that it will comply with specified requirements. A city or county is required to submit an annual report to the department summarizing its progress in reducing solid waste, including an update of the jurisdiction's household hazardous waste element.

This bill would require each jurisdiction that provides for the residential collection and disposal of solid waste to increase the collection and diversion of household hazardous waste in its service area, on or before July 1, 2020, by 15% over a baseline amount, to be determined in accordance with department regulations. The bill would authorize the department to adopt a model ordinance for a comprehensive program for the collection of household hazardous waste to facilitate compliance with those provisions, and would require each jurisdiction to annually report to the department on progress achieved in complying with those provisions. By imposing new duties on local agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

BILL HISTORY:

2015

- May 28 In committee: Hearing postponed by committee.
- May 20 In committee: Set, first hearing. Referred to APPR. suspense file.
- May 4 Re-referred to Com. on APPR.
- April 30 Read second time and amended.
- April 29 From committee: Amend, and do pass as amended and re-refer to Com. on APPR.
- April 27 Re-referred to Com. on E.S. & T.M.
- April 23 From committee chair, with author's amendments: Amend, and re-refer to Com. on E.S. & T.M. Read second time and amended.
- April 23 From committee: Do pass and re-refer to Com. on E.S. & T.M. Re-referred to Com. on E.S. & T.M.
- April 14 Re-referred to Com. on L. GOV.
- April 13 From committee chair, with author's amendments: Amend, and re-refer to Com. on L. GOV. Read second time and amended.
- Mar 23 Re-referred to Com. on L. GOV.
- Mar 19 From committee chair, with author's amendments: Amend, and re-refer to Com. on L. GOV. Read second time and amended.
- Mar 19 Referred to Coms. on L. GOV. and E.S. & T.M.

2014

- Dec 2 From printer. May be heard in committee January 1.
- Dec 1 Read first time. To print.

AB-102

AUTHOR: Rodriguez

TOPIC: Railroad and surface transportation safety and emergency planning and response: hazardous materials.

LAST AMENDED: 6/11/15

SUMMARY: Existing law establishes the Railroad Accident Prevention and Immediate Deployment Force in the California Environmental Protection Agency and designates the force as being responsible for providing immediate onsite response capability in the event of a large-scale release of toxic materials resulting from a surface transportation accident. Existing law requires the agency to develop a state railroad accident prevention and immediate deployment plan, in consultation with specified state entities, other potentially affected state, local, or federal agencies, and affected businesses, and designates the force as being responsible for implementing the plan, acting cooperatively and in concert with existing local emergency response units.

Existing law establishes the Office of Emergency Services within the office of the Governor and under the supervision of the Director of Emergency Services and makes the office responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. Existing law requires the office to serve as the central point of state government for the emergency reporting of spills,

unauthorized releases, or other accidental releases of hazardous materials and to coordinate the notification of the appropriate state and local administering agencies that may be required to respond to those spills, unauthorized releases, or other accidental releases.

This bill would create the Regional Railroad and Surface Transportation Accident Preparedness and Immediate Response Force in the Office of Emergency Services, consisting of specified representatives, and would designate this force as being responsible for providing regional and onsite response capabilities in the event of a release of hazardous materials from a rail car or a railroad accident involving a rail car or a hazardous materials release from a truck accident. This bill would require the office to develop a state regional railroad and surface transportation accident preparedness and immediate response plan, in consultation with specified entities, and would require that plan to become an annex to the state emergency plan. This bill would require the force and the Office of Spill Prevention and Response to coordinate in their respective authorities and responsibilities to avoid any duplication of effort, ensure cooperation, and promote the sharing of information regarding the risk of discharge of petroleum by rail into state waters. The bill would require the Office of Emergency Services to biennially review the training of all emergency response personnel with responsibilities along rail lines and other surface transportation routes to ascertain the level of readiness to respond to an accident and to identify all equipment and response assets available to respond to a spill or discharge of a hazardous material.

This bill would require the director to establish a schedule of fees to determine the amount of a fee to be paid by a person owning hazardous materials that are transported by rail or surface transportation in California. The bill would require that the fees be fair, as required by the federal Hazardous Materials Transportation Act, and state the intent of the Legislature that the schedule of fees reflect the proportionate risks to both the public safety and the environment resulting from a release of hazardous materials and the expense of preparing to respond to those risks. The bill would authorize the director to exempt from the fee a shipment of hazardous materials that meets certain criteria and would prohibit the collection of fees in excess of the reasonable regulatory costs to the state. The bill would also require every person who operates a railroad that transports hazardous materials by rail car to register with the board and to remit the fees to the board pursuant to the Fee Collection Procedures Law. The bill would create the Regional Railroad and Surface Transportation Accident Preparedness and Immediate Response Fund in the State Treasury and would require that all revenues, interest, penalties, and other amounts collected pursuant to the bill's requirements be deposited into the fund, less refunds and reimbursement to the board for expenses incurred in the administration and collection of the fee. The bill would require that moneys in the fund, upon appropriation by the Legislature, be used by the director for specified purposes. This bill would limit the amount available for appropriation from the fund to \$10,000,000 in any calendar year. For any fee imposed upon persons and corporations owning crude oil or petroleum products that are transported by rail, the bill would provide for an offset of the amount of the fee against the amount of the fee imposed pursuant to the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act.

The Fee Collection Procedures Law makes a violation of any provision of the law, or of certain requirements imposed by the board pursuant to the law, a crime.

By expanding the application of the Fee Collection Procedures Law, the violation of which is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

BILL HISTORY:

2015

April 28 In committee: Hearing for testimony only.

April 9 Re-referred to Com. on E.S. & T.M. pursuant to Assembly Rule 96.

April 6 Re-referred to Com. on TRANS.

Mar 26 From committee chair, with author's amendments: Amend, and re-refer to Com. On TRANS. Read second time and amended.

Mar 26 Referred to Coms. on TRANS. and E.S. & T.M.

Jan 9 From printer. May be heard in committee February 8.

Jan 8 Read first time. To print.

AB-767- CHAPTERED

AUTHOR: Santiago**TOPIC:** Community colleges: emergency preparedness standards.**LAST AMENDED:** 4/23/15

SUMMARY: Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Under existing law, the board of governors appoints a chief executive officer, known as the Chancellor of the California Community Colleges.

Existing law requires the Office of the Chancellor of the California Community Colleges, in consultation with the Office of Emergency Services, to develop emergency preparedness standards and guidelines to assist community college districts and campuses in the event of a natural disaster, hazardous condition, or terrorist activity, as specified.

This bill would require the chancellor's office to review and update, as necessary, these emergency preparedness standards on or before January 1, 2017, and every 5 years thereafter, and consider including an active shooter response plan, as specified.

BILL HISTORY:

2015

- July 14 Chaptered by Secretary of State - Chapter 83, Statutes of 2015.
- July 14 Approved by the Governor.
- July 2 Enrolled and presented to the Governor at 1 p.m.
- June 26 In Assembly. Ordered to Engrossing and Enrolling.
- June 25 Read third time. Passed. Ordered to the Assembly.
- June 23 Read second time. Ordered to Consent Calendar.
- June 22 From committee: Be placed on second reading file pursuant to Senate Rule 28.8 and ordered to consent calendar.
- June 10 From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. Re-referred to Com. on APPR.
- May 14 Referred to Com. on ED.
- April 30 In Senate. Read first time. To Com. on RLS. for assignment.
- April 30 Read third time. Passed. Ordered to the Senate.
- April 27 Read second time. Ordered to Consent Calendar.
- April 23 Read second time and amended. Ordered returned to second reading.
- April 22 From committee: Amend, and do pass as amended. To Consent Calendar.
- April 8 From committee: Do pass and re-refer to Com. on APPR. Re-referred to Com. on APPR.
- Mar 24 Re-referred to Com. on HIGHER ED.
- Mar 23 From committee chair, with author's amendments: Amend, and re-refer to Com. on HIGHER ED. Read second time and amended.
- Mar 12 Referred to Com. on HIGHER ED.
- Feb 26 From printer. May be heard in committee March 28.
- Feb 25 Read first time. To print.

AB-864

AUTHOR: Williams

TOPIC: Office Spill Response: environmentally and ecological sensitive areas.

LAST AMENDED: 8/17/15

SUMMARY: The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act requires owners or operators of various facilities, including pipelines, while operating in the waters of the state or where a spill from the pipelines could impact state waters, to have an oil spill contingency plan submitted to, and approved by, the administrator for oil spill response to ensure prompt and adequate response and removal action in case of a spill. The act requires the operator to maintain a level of readiness that will allow effective implementation of the applicable contingency plan.

This bill would require, by July 1, 2018, the operators an interstate pipeline near environmentally and ecologically sensitive areas, as provided, to use the best achievable technologies to reduce the amount of oil released in an oil spill to protect the state waters and wildlife, and to include a description of the use of those technologies in their oil spill contingency plans. The bill would require the Office of Spill Prevention and Response to

consult with the Office of the State Fire Marshal for technical expertise, and would authorize the office to enter into a memorandum of understanding, as provided, for purposes of implementing the above provisions.

The Elder California Pipeline Safety Act of 1981, among other things, requires the State Fire Marshal to adopt hazardous liquid pipeline safety regulations in compliance with the federal law relating to hazardous liquid pipeline safety. The act requires any new pipeline constructed after January 1, 1984, and which normally operates under conditions of constant flow and pressure, to be designed and constructed in accordance with specified federal regulations, and have a means of leak detection and cathodic protection that the State Fire Marshal determines is acceptable. A violation of the act is a crime. Except as provided, the act defines "pipeline" as including every intrastate pipeline used to transport hazardous liquid substances or highly volatile liquid substances, as provided.

This bill would require any new or replacement pipeline near environmentally and ecologically sensitive areas in the coastal zone to use best achievable technologies to reduce the amount of oil released in an oil spill to protect state waters and wildlife. The bill would require, by July 1, 2018, an operator of the above-described pipeline to submit a plan to retrofit existing pipelines, as provided. By creating a new crime, the bill would impose a state-mandated local program. The bill would require the State Fire Marshal to adopt regulations relating to the above provisions by July 1, 2017.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

BILL HISTORY:

2015

Aug 8 In committee: Referred to APPR. suspense file.

Aug 17 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.

July 15 From committee: Do pass and re-refer to Com. on APPR. Re-referred to Com. on APPR.

July 2 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on N.R. & W.

June 18 Re-referred to Com. on N.R. & W.

June 10 Re-referred to Com. on RLS.

June 10 Withdrawn from committee.

June 9 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E.Q.

June 3 In committee: Set, first hearing. Hearing canceled at the request of author.

May 28 Referred to Com. on E.Q.

May 18 In Senate. Read first time. To Com. on RLS. for assignment.

May 18 Read third time. Passed. Ordered to the Senate.
May 4 Read second time. Ordered to third reading.
April 30 Read second time and amended. Ordered returned to second reading.
April 29 From committee: Amend, and do pass as amended.
April 16 Re-referred to Com. on APPR.
April 15 Read second time and amended.
April 14 From committee: Amend, and do pass as amended and re-refer to Com. on APPR.
Mar 16 Referred to Com. on NAT. RES.
Feb 27 From printer. May be heard in committee March 29.
Feb 26 Read first time. To print.

AB-1203

AUTHOR: Jones-Sawyer

TOPIC: Office of Emergency Services: property insurance surcharge.

LAST AMENDED: 4/6/15

SUMMARY: Existing law required, by September 1, 2011, the State Board of Forestry and Fire Protection to adopt emergency regulations to establish a fire prevention fee of not more than \$150 for the necessary fire prevention activities of the state that benefit the owners of structures within a state responsibility area.

This bill would repeal the fire prevention fee. The bill would instead create the Disaster Response Fund in the State Treasury. The bill would require all insureds in the state to pay a special purpose surcharge on each commercial and residential fire and multiperil insurance policy issued or renewed on or after January 1, 2016, as specified. Moneys from this surcharge would be deposited in the fund and be appropriated by the Legislature for the purposes of funding emergency activities of the Office of Emergency Services, the Department of Forestry and Fire Protection, and the Military Department, and local public entities for disaster preparedness and response. The bill would also require every admitted insurance company in the state to collect the surcharge and separately identify the surcharge on each affected insurance policy. The bill would provide that the failure of an insured to pay the surcharge would result in the cancellation of his or her policy.

Because the payment of the special purpose surcharge, under the bill, would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, the bill would require for passage the approval of 2/3 of the membership of each house of the Legislature.

BILL HISTORY:

2015

April 30 Measure retained in Com. on G.O.

April 30 Motion to report bill "Amend, and re-refer to the Com. on G.O." fails.

April 27 Joint Rule 62(a), file notice suspended.

April 27 In committee: Set, first hearing. Hearing canceled at the request of author.
April 16 From committee: Be re-referred to Coms. on G.O. and INS. Re-referred to Com. on G.O.
April 13 Re-referred to Com. on RLS. pursuant to Assembly Rule 96.
April 7 Re-referred to Com. on G.O.
April 6 From committee chair, with author's amendments: Amend, and re-refer to Com. on G.O. Read second time and amended.
Mar 23 Referred to Com. on G.O.
Mar 2 Read first time.
Mar 1 From printer. May be heard in committee March 31.
Feb 27 Introduced. To print.

AB-1420

AUTHOR: Salas

TOPIC: Oil and gas: pipelines.

LAST AMENDED: 8/18/15

SUMMARY: Existing law requires the Division of Oil, Gas, and Geothermal Resources to prescribe minimum facility maintenance standards for oil and gas production facilities, including pipelines that are not under the jurisdiction of the State Fire Marshal. Under the division's regulations, an owner or operator of an active environmentally sensitive gas pipeline that is a gathering line is required to perform a mechanical integrity test on the pipeline, unless it is less than 10 years old.

This bill would require a mechanical integrity test every 2 years for all active gas pipelines of any diameter within sensitive areas, as defined. The bill would require the division, by January 1, 2018, to identify all active gas pipelines within sensitive areas.

Existing law establishes local health departments, under the purview of the local health officer. Existing law prescribes various duties for those local health departments, including supervising remediation when hazardous waste is released and enforcing statutes relating to public health.

This bill would require a local health officer or his or her designee, if he or she is notified of a leak in an active gas pipeline within a sensitive area and makes certain determinations, to take certain actions related to the leak, working collaboratively with the division and the owner or operator of that pipeline. The bill would require the local public health officer or his or her designee to direct the responsible party to notify residents affected by the leak if he or she determines that the leak poses a serious threat to public health and safety. Because the bill would require a local health officer or his or her designee to provide a higher level of service to the public, this bill would impose a state-mandated local program.

This bill would require owners or operators of pipelines under the division's jurisdiction, upon discovery of a leak from the pipeline, to notify the division and the appropriate local

health officer or his or her designee of the leak. Because a violation of this requirement would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

BILL HISTORY:

2015

- Aug 24 In committee: Referred to APPR. suspense file.
- Aug 18 Read second time and amended. Re-referred to Com. on APPR.
- Aug 17 From committee: Amend, and do pass as amended and re-refer to Com. on APPR.
- July 6 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E.Q.
- June 30 Read second time and amended. Re-referred to Com. on E.Q.
- June 29 From committee: Amend, and do pass as amended and re-refer to Com. on E.Q.
- June 4 Referred to Coms. on N.R. & W. and E.Q.
- May 22 In Senate. Read first time. To Com. on RLS. for assignment.
- May 22 Read third time. Passed. Ordered to the Senate.
- May 14 Read second time. Ordered to Consent Calendar.
- May 13 From committee: Do pass. To Consent Calendar.
- April 29 From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. Re-referred to Com. on APPR.
- April 28 From committee: Do pass and re-refer to Com. on E.S. & T.M. with recommendation: To Consent Calendar. Re-referred to Com. on E.S. & T.M.
- April 23 Pending re-refer to Com. on E.S. & T.M.
- April 23 Assembly Rule 56 suspended.
- April 22 Re-referred to Com. on NAT. RES.
- April 21 From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read second time and amended.
- April 6 Re-referred to Com. on NAT. RES.
- Mar 26 From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read second time and amended.
- Mar 26 Referred to Coms. on NAT. RES. and E.S. & T.M.
- Mar 2 Read first time.
- Mar 1 From printer. May be heard in committee March 31.
- Feb 27 Introduced. To print.

SB-84 - CHAPTERED

AUTHOR: Committee on Budget and Fiscal Review.

TOPIC: State Government

LAST AMENDED: 6/9/15

SUMMARY: One part of this bill is as follows: (6) Existing law establishes the Railroad Accident Prevention and Immediate Deployment Force in the California Environmental Protection Agency and designates the force as being responsible for providing immediate onsite response capability in the event of a large-scale release of toxic materials resulting from a surface transportation accident. Existing law requires the agency to develop a state railroad accident prevention and immediate deployment plan, in consultation with specified state entities, other potentially affected state, local, or federal agencies, and affected businesses.

Existing law requires the Office of Emergency Services to serve as the central point in state government for the emergency reporting of spills, unauthorized releases, or other accidental releases of hazardous materials and to coordinate the notification of the appropriate state and local administering agencies that may be required to respond to those spills, unauthorized releases, or other accidental releases.

This bill would create the Regional Railroad Accident Preparedness and Immediate Response Force in the office, consisting of specified representatives, and would designate this force as being responsible for providing regional and onsite response capabilities in the event of a release of hazardous materials from a railcar or a railroad accident involving a railcar designated to transport hazardous material commodities, as specified. The bill would require the office, in consultation with specified entities, to develop a state regional railroad accident preparedness and immediate response plan that would be an annex to the State Emergency Plan. The bill would require the force and the Office of Spill Prevention and Response to coordinate in their respective authorities and responsibilities to avoid any duplication of effort, ensure cooperation, and promote the sharing of information regarding the risk of discharge of petroleum by rail into state waters.

This bill would require the Director of Emergency Services to establish a schedule of fees to be paid by a person owning any of the 25 most hazardous material commodities that are transported by rail in California. The bill would require that the fees be fair, as required by the federal Hazardous Materials Transportation Act, and state the intent of the Legislature that the schedule of fees reflect the proportionate risks to both the public safety and the environment resulting from a release of hazardous materials and the expense of preparing to respond to those risks. The bill would authorize the director to exempt from the fee a shipment of hazardous materials that meets certain criteria and prohibit the collection of fees in excess of the reasonable regulatory costs to the state. The bill would require the director to consider adjusting the fee not less frequently than every 3 years. The bill would require the director to create an industry advisory committee to advise the director on setting the fee and other policy matters. The bill would also require every person who operates a railroad that

transports hazardous materials by railcar to register with the board and to remit the fees to the board pursuant to the Fee Collection Procedures Law. The bill would create the Regional Railroad Accident Preparedness and Immediate Response Fund in the State Treasury and would require that all revenues, interest, penalties, and other amounts collected pursuant to the bill's requirements be deposited into the fund, less refunds and reimbursement to the board for expenses incurred in the administration and collection of the fee. The bill would require that moneys in the fund, upon appropriation by the Legislature, be used by the director for specified purposes. The bill would provide the director with the authority to collect an amount in fees that does not exceed specified amounts for specified calendar years. The bill would require the director to contract with the Department of Finance for the preparation of a detailed report on the financial basis and programmatic effectiveness of the plan and fund. The bill would require the director, on or before January 1, 2019, and every 3 years thereafter, to submit the report to the Governor and the Legislature.

The Fee Collection Procedures Law makes a violation of any provision of the law, or of certain requirements imposed by the board pursuant to the law, a crime.

By expanding the application of the Fee Collection Procedures Law, the violation of which is a crime, this bill would impose a state-mandated local program.

BILL HISTORY:

2015

Jun 24 Chaptered by Secretary of State. Chapter 25, Statutes of 2015.

Jun 24 Approved by the Governor.

Jun 23 Enrolled and presented to the Governor at 4 p.m.

Jun 19 Assembly amendments concurred in. Ordered to engrossing and enrolling.

Jun 19 Unanimous consent granted to take up without reference to file.

Jun 19 In Senate. Concurrence in Assembly amendments pending.

Jun 19 Read third time. Passed. Ordered to the Senate.

Jun 19 Assembly Rule 63 suspended.

Jun 19 Ordered to third reading.

Jun 19 Withdrawn from committee.

Jun 19 Assembly Rule 96 suspended.

Jun 16 From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.

Mar 23 Referred to Com. on BUDGET.

Mar 23 In Assembly. Read first time. Held at Desk.

Mar 23 Read third time. Passed. Ordered to the Assembly.

Mar 19 Read second time. Ordered to third reading.

Mar 18 From committee: Ordered to second reading.

Feb 5 Referred to Com. on RLS.

Jan 12 Read first time.

Jan 12 From printer. May be acted upon on or after February 11.

Jan 9 Introduced. To Com. on RLS. for assignment. To print.

SB-612

AUTHOR: JACKSON

TOPIC: HAZARDOUS MATERIALS

LAST AMENDED: 6/23/15

SUMMARY: (1) Existing law requires the Department of Toxic Substances Control to establish programs for and regulate hazardous waste source reduction. Existing law requires the department to prepare, adopt, and revise, when appropriate, a listing of the wastes that are determined to be hazardous, and a listing of the wastes that are determined to be extremely hazardous. Existing law requires the department to develop, and adopt by regulation, criteria and guidelines for the identification of hazardous wastes and extremely hazardous wastes and requires that any waste that conforms to the criteria be managed in accordance with permits, orders, and regulations issued by the department. Existing law requires the department to adopt, and revise when appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment. Pursuant to this authority, the department has adopted regulations establishing standards for generators of hazardous wastes and establishing standards for owners and operators of hazardous waste transfer, treatment, storage, and disposal facilities.

This bill would require that a generator of hazardous waste include all hazardous waste that it has generated in any month, except for universal wastes, as defined, when computing whether it is required to comply with specified regulatory requirements. The bill would require the department to adopt regulations by December 1, 2016, incorporating instructions to hazardous waste generators implementing this requirement.

(2) Existing law requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management regulatory program. Existing law requires every county to apply to the secretary to be certified to implement the unified program and allows a city or local agency to implement the unified program as a unified program agency, or UPA. Existing law requires the Office of Emergency Services to adopt, after public hearing and consultation with the Office of the State Fire Marshal and other appropriate public entities, regulations for minimum standards for business plans and area plans, and requires all business plans and area plans to meet the standards adopted by the Office of Emergency Services.

Existing law requires a business handling hazardous materials, as specified, to establish and implement a business plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted by the Office of Emergency Services. The business plan is required to contain specified information, including a site map that contains north orientation, loading areas, internal roads, adjacent streets, storm and sewer drains, access and exit points, emergency shutoffs, evacuation staging areas, hazardous material handling and storage areas, and emergency response equipment.

This bill would additionally require the site map to include additional map requirements required by the UPA pursuant to an ordinance.

Existing law makes the knowing violation of the business plan requirements a crime.

This bill, by expanding the requirements for a business plan, would impose a state-mandated local program by expanding the application of a crime.

This bill would make additional legislative findings and declarations relative to the unified program.

(3) The Aboveground Petroleum Storage Act defines, for purposes of the act, an “aboveground storage tank” as a tank that has the capacity to store 55 gallons or more of petroleum and that is substantially or totally above the surface of the ground and a tank in an underground area, as defined, except for certain types of tanks and vessels, as specified.

This bill would exclude from the definition of “aboveground storage tank” a tank or tank facility located on and operated by a farm that is exempt from specified federal spill prevention, control, and countermeasure requirements. The bill would revise the definition of a “tank in an underground area.” This bill would provide that a tank in an underground area that is subject to aboveground tank regulation, as specified, is not subject to regulation pursuant to laws specific to underground storage tanks.

Existing law requires the unified program agencies (UPAs) to implement the Aboveground Petroleum Storage Act in accordance with regulations adopted by the Office of the State Fire Marshal and authorizes the Office of the State Fire Marshal to adopt these regulations.

This bill would require the Office of the State Fire Marshal to adopt these regulations.

Except for certain tank facilities located on farms, nurseries, logging sites, or construction sites, the Aboveground Petroleum Storage Act requires each owner or operator of a storage tank at a tank facility to prepare a spill prevention control and countermeasure plan and to conduct periodic inspections of the storage tank.

This bill would revise the above-described exception to the plan and inspection requirements to additionally require that the tank facility be operated by the farm, nursery, logging site, or construction site. The bill would require that the plan apply good engineering judgment to prevent petroleum releases, as specified.

(4) Existing law generally regulates the storage of hazardous substances in underground storage tanks and requires underground storage tanks that are used to store hazardous substances and that are installed after January 1, 1984, to meet certain requirements and obtain a permit from the UPA.

This bill would revise the definition of “storage” and “store” for purposes of the regulation of the storage of hazardous substances in underground storage tanks, to exempt storage that is in compliance with specified alternative laws for the regulation of hazardous materials.

This bill would make other changes to the hazardous materials laws.

(5) The existing Medical Waste Management Act regulates the disposal of medical waste. Existing law authorizes a local agency to adopt a medical waste management program to, among other things, issue medical waste registrations and permits and inspect medical waste generators and treatment facilities, and requires the local agency, if it elects to do so, to notify the department. Under existing law, if the local agency chooses not to adopt a medical waste management program or if the department withdraws its designation, the department is the enforcement agency. Under existing law, whenever the enforcement agency determines that a violation or threatened violation of the act has resulted, or is likely to result, in a release of medical waste into the environment, the agency is authorized to issue an order to the responsible person specifying a schedule for compliance or imposing an administrative penalty of not more than \$1,000 per violation.

This bill would authorize the imposition of an administrative penalty of up to \$5,000. The bill would also establish a process for the enforcement agency to set the amount of the administrative penalty and would establish a process for a person who is assessed the administrative penalty to challenge the facts of the order and the amount of the penalty, including a hearing and appeal. The bill would require that a provision of an order, except the imposition of an administrative penalty, take effect upon issuance by the enforcement agency if the enforcement agency finds that the violation or violations of law associated with that provision may pose an imminent and substantial danger to the public health or safety or the environment.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

BILL HISTORY:

2015

July 15 July 15 Set for first hearing. Placed on APPR. suspense file.

July 1 From committee: Do pass and re-refer to Com. on APPR. Re-referred to Com. on APPR.

June 23 From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.S. & T.M.

June 18 Referred to Com. on E.S. & T.M.

June 2 In Assembly. Read first time. Held at Desk.

June 1 Read third time. Passed. Ordered to the Assembly.

May 28 Read second time. Ordered to third reading.

May 28 From committee: Do pass.
May 23 Set for hearing May 28.
April 27 Placed on APPR. suspense file.
April 17 Set for hearing April 27.
April 16 From committee: Do pass and re-refer to Com. on APPR. Re-referred to Com. on APPR.
April 6 From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.Q.
Mar 17 Set for hearing April 15.
Mar 12 Referred to Com. on E.Q.
Mar 2 Read first time.
Mar 2 From printer. May be acted upon on or after April 1.
Feb 27 Introduced. To Com. on RLS. for assignment. To print.

FEDERAL BILLS

NOT FOLLOWING ANY AT THIS TIME